IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5111 of 2005

Roshan Trilokchand Gothi and Anr..Applicants

V/s

The State of Maharashtra ... Respondent

ShriS.V.Kotwal i/b M.S.Mohite for Applicants

Shri A.S.Gadkari,APP for Respondent

CORAM:A.S.OKA,J.

DATED:19th August 2005

P.C.:-

1. Heard Advocate appearing for the applicants and learned APP for State.

2. Relying on various documents which are annexed to the application, the learned Advocate for the Applicants submitted that absolutely no case is made out for commission of offence by the Applicants. He submitted that for the alleged offence committed in the year 2002 FIR has been filed in the month of July 2005. He has invited my attention to the documents annexed to the application and submitted that the applicants will suffer harassment if they are taken in custody,.

3. The learned APP stated that some of the document which are annexed to the application have not been produced by the applicants before the Investigating Officer and therefore Investigating Officer will have to look into the documents.

4. Considering the averments made in the application and the submissions of learned APP,it is obvious that without scrutinising the documents which are annexed to this application, the Respondents cannot insist on arresting the applicants.

5. In my view on scrutinising the said documents, if the Respondent State desires to arrest the applicants, the same will have to give 72 hours notice to the Applicants.

6. Hence the application is disposed of by directing that in the event the Respondents State desires to arrest the applicants in connection with CR No.II 41/2005 registered at Sinnar Police Station, 72 hours prior notice will be given to the Applicants. It is obvious that if such notice is given to the applicants, the applicants will be entitled to apply for anticipatory bail to the appropriate Court.

. Parties to act upon an authenticated copy of this order.

(A.S.OKA,J.)